IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2340 OF 2006

Vanita Anil Kripalani .. Petitioner
Versus
Anil Parsuram Kripalani .. Respondent

Mr.R.N.Narula with Mr.A.Dasgupta i/b. Jhangiani Narula & Associates for petitioner
Ms.Manjula Rao and Ms.Kokila Kalra for respondent.

CORAM : S.C.DHARMADHIKARI, J

DATE : 23rd February 2007.

P.C.

. After this matter was heard for some time, both sides agree that the same be disposed of by the following order:-

i) Both sides do not dispute that the trial in Petition No.A-264/02 is presently pending before the 3rd Family

Court Bandra, Mumbai. Both sides do not dispute that first witness on behalf of Original Petitioner - husband has been examined and second witness is in the witness box.

ii) The only grievance made is that this Court had directed that the Interim Application No.159 of 2002 which is preferred by the petitioner wife for interim maintenance has not been decided and rather rejected despite specific directions to the contrary issued by this Court. This Court had directed that the said application be decided before the trial commences and the grievance of the petitioner wife with regard to denial of maintenance to her at this stage should be gone into and only then, the trial shall commence.

iii) Now, before me it is agreed by both sides that since the trial is going on parties would participate and render full assistance to the family court in disposing of the main petition. However, both sides agree that if the trial is not concluded within a period of two months from today, then, the concerned Family Court shall take up for consideration, the request of the wife for maintenance made vide interim application No.159 of 2002 afresh. Accordingly, it is directed that in the event the Trial is not concluded within two months from today, the Family Court to and decide the said application (159 of 2002) without being influenced by any observations made in its earlier orders and more particularly the order dated 2nd March 2006. All contentions of both sides are expressly kept open. Petition disposed of with no

orders as to costs.

(S.C.Dharmadhikari, J)